

Application No. 10/587,631
Reply to Office Action of October 16, 2008

IN THE DRAWINGS

The attached sheets of drawings include changes to Fig. 5 and the addition of a drawing, which originally appeared at page 27 of the specification as filed. These sheets, which include Figs. 5 and 17, replace the original sheet including Fig. 5 and add new sheet including Fig. 17.

Attachment: Replacement Sheet (Fig. 5), New Sheet (Fig. 17)

REMARKS/ARGUMENTS

Claims 1-24 are pending, claims 7-24 having been withdrawn from consideration. By this Amendment, the specification is amended, the drawings are amended, and claim 1 is amended. Support for the amendments to claim 1 can be found, for example, in the present specification at page 16, lines 18 to 20 and page 53, lines 10 to 21, and in original claims 1. No new matter is added. In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

Objection to the Drawings

The Office Action objects to the drawings as including informalities. By this Amendment, the drawings are amended to obviate the objection. Accordingly, reconsideration and withdrawal of the objection are respectfully requested.

Objection to the Specification

The Office Action objects to the specification as including informalities. By this Amendment, the specification is amended to obviate the objection. Accordingly, reconsideration and withdrawal of the objection are respectfully requested.

Rejection Under 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims 1-6 as indefinite under 35 U.S.C. §112, second paragraph. By this Amendment, claim 1 is amended to obviate the rejection. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Double Patenting

The Office Action rejects claims 1-6 under the judicially created doctrine of obviousness-type double patenting over claims 1, 4, 5 and 11 of U.S. Patent No. 7,303,697. The 697 patent and the present application facially have different ownership entities. Accordingly, the double patenting rejection is improper and should be withdrawn. *See* MPEP §804.

Rejection Under 35 U.S.C. §102

A. Gray

The Office Action rejects claims 1-6 under 35 U.S.C. §102(b) over U.S. Patent No. 5,985,173 to Gray et al. ("Gray"). Applicants respectfully traverse the rejection.

Claim 1 recites "[m]etal oxide-based phosphor microfine particles, comprising: a matrix crystal made of a metal oxide and a metal element doped as an emission center into the matrix crystal; wherein: the microfine particles are provided with an organic group coordinated to a surface thereof; the microfine particles have an average particle size of from 1 to 100 nm; and the microfine particles are configured to receive emitted light from a light source in a device, the light source being selected from the group consisting of organic electroluminescent devices, inorganic electroluminescent devices, light-emitting diodes, cold cathode tubes, fluorescent tubes and lasers" (emphasis added). Gray does not disclose or suggest such particles.

As indicated above, claim 1 requires that the particles be provided in a configuration suitable for receiving emitted light from an organic electroluminescent device, an inorganic electroluminescent device, a light-emitting diode, a cold cathode tube, a fluorescent tube or a laser in a device. The Office Action relies on Gray for its alleged disclosure of microfine phosphors having an organic group coordinated to the surface thereof. *See* Office Action,

page 4. However, Gray fails to disclose or suggest providing such phosphors in a configuration suitable for receiving emitted light from an organic electroluminescent device, an inorganic electroluminescent device, a light-emitting diode, a cold cathode tube, a fluorescent tube or a laser in a device. Accordingly, Gray fails to disclose or suggest each and every feature of claim 1.

As explained, claim 1 is not anticipated by Gray. Claims 2-6 depend from claim 1 and, thus, also are not anticipated by Gray. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

B. Barbera-Guillem

The Office Action rejects claims 1, 2 and 4-6 under 35 U.S.C. §102(b) over U.S. Patent No. 6,576,155 to Barbera-Guillem ("Barbera-Guillem"). Applicants respectfully traverse the rejection.

Claim 1 is set forth above. Barbera-Guillem does not disclose or suggest such particles.

As indicated above, claim 1 requires that the particles be provided in a configuration suitable for receiving emitted light from an organic electroluminescent device, an inorganic electroluminescent device, a light-emitting diode, a cold cathode tube, a fluorescent tube or a laser in a device. The Office Action relies on Barbera-Guillem for its alleged disclosure of microfine phosphors having an organic group coordinated to the surface thereof. *See* Office Action, page 5. However, Barbera-Guillem fails to disclose or suggest providing such phosphors in a configuration suitable for receiving emitted light from an organic electroluminescent device, an inorganic electroluminescent device, a light-emitting diode, a cold cathode tube, a fluorescent tube or a laser in a device. Accordingly, Barbera-Guillem fails to disclose or suggest each and every feature of claim 1.

As explained, claim 1 is not anticipated by Barbera-Guillem. Claims 2 and 4-6 depend from claim 1 and, thus, also are not anticipated by Barbera-Guillem. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

C. Bohmann

The Office Action rejects claims 1-6 under 35 U.S.C. §102(b) over WO 03/040024 to Bohmann et al. ("Bohmann")[#]. Applicants respectfully traverse the rejection.

Claim 1 is set forth above. Bohmann does not disclose or suggest such particles.

As indicated above, claim 1 requires that the particles be provided in a configuration suitable for receiving emitted light from an organic electroluminescent device, an inorganic electroluminescent device, a light-emitting diode, a cold cathode tube, a fluorescent tube or a laser in a device. The Office Action relies on Bohmann for its alleged disclosure of microfine phosphors having an organic group coordinated to the surface thereof. *See* Office Action, page 5. However, Bohmann fails to disclose or suggest providing such phosphors in a configuration suitable for receiving emitted light from an organic electroluminescent device, an inorganic electroluminescent device, a light-emitting diode, a cold cathode tube, a fluorescent tube or a laser in a device. Accordingly, Bohmann fails to disclose or suggest each and every feature of claim 1.

As explained, claim 1 is not anticipated by Bohmann. Claims 2-6 depend from claim 1 and, thus, also are not anticipated by Bohmann. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

[#] Discussion of Bohmann is made with reference to U.S. Patent No. 7,410,810, which the Office Action asserts is an English-language equivalent of Bohmann.

D. Li

The Office Action rejects claims 1-6 under 35 U.S.C. §102(a) and §102(e) over U.S. Patent No. 6,783,699 to Li et al. ("Li"). Applicants respectfully traverse the rejection.

Claim 1 is set forth above. Li does not disclose or suggest such particles.

As indicated above, claim 1 requires that the particles be provided in a configuration suitable for receiving emitted light from an organic electroluminescent device, an inorganic electroluminescent device, a light-emitting diode, a cold cathode tube, a fluorescent tube or a laser in a device. The Office Action relies on Li for its alleged disclosure of microfine alumina based phosphors doped with europium having an organic silane group coordinated to the surface thereof. *See* Office Action, page 5. However, Li fails to disclose or suggest providing such phosphors in a configuration suitable for receiving emitted light from an organic electroluminescent device, an inorganic electroluminescent device, a light-emitting diode, a cold cathode tube, a fluorescent tube or a laser in a device. Accordingly, Li fails to disclose or suggest each and every feature of claim 1.

As explained, claim 1 is not anticipated by Li. Claims 2-6 depend from claim 1 and, thus, also are not anticipated by Li. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

E. Isobe

The Office Action rejects claims 1-6 under 35 U.S.C. §102(e) over U.S. Patent No. 7,303,697 to Isobe ("Isobe"). Applicants respectfully traverse the rejection.

Claim 1 is set forth above. Isobe does not disclose or suggest such particles.

As indicated above, claim 1 requires that the particles be provided in a configuration suitable for receiving emitted light from an organic electroluminescent device, an inorganic electroluminescent device, a light-emitting diode, a cold cathode tube, a fluorescent tube or a

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laser in a device. The Office Action relies on Isobe for its alleged disclosure of microfine phosphors having an organic group coordinated to the surface thereof. *See* Office Action, page 6. However, Isobe fails to disclose or suggest providing such phosphors in a configuration suitable for receiving emitted light from an organic electroluminescent device, an inorganic electroluminescent device, a light-emitting diode, a cold cathode tube, a fluorescent tube or a laser in a device. Accordingly, Isobe fails to disclose or suggest each and every feature of claim 1.

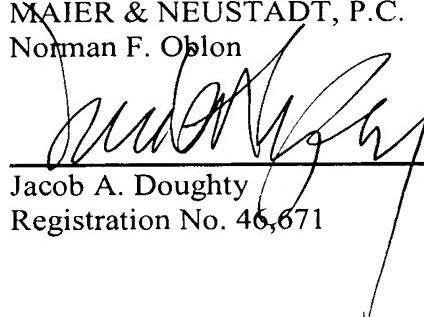
As explained, claim 1 is not anticipated by Isobe. Claims 2-6 depend from claim 1 and, thus, also are not anticipated by Isobe. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

For the foregoing reasons, Applicants submit that claims 1-24 are in condition for allowance. Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

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